

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Establishment – Industries and Commerce Department – Alteration of date of birth in the service register of Sri L. Vaidyanath, P.S to Secretary to Government – Orders – Issued.

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**INDUSTRIES AND COMMERCE (OP.I) DEPARTMENT**

**G.O.Ms.No. 192,**

**Dt: 26-7-2008,**  
**Read the following:**

1. Representation of Sri L. Vaidyanath, P.S. to Secy. to Govt. Dt:19.7.2000.
2. Govt. Memo No.2640/OP/79-9, Ind. & Com. Dept. Dt:30-12-1985.
3. Orders of Hon'ble A.P.A.T, Hyd. in R.P.No.1005 of 1986, APAT  
Dt:22-9-1987 filed by Sri L. Vaidyanath, P.S to Secy. to Govt. Dt:Nil
4. Orders of Supreme Court of India, SLP No.7772/88, Dt:5-4-1995.
5. G.O.Rt.No.413, I & C (OP.I)Dept. Dt:20-6-1998.
6. Execution Petition No.10/2000 in R.P.No.1005/86.
7. Orders of High Court of A.P in W.P.No.20415/2000 Dt:30-10-2007, filed  
by Govt. of Andhra Pradesh.
8. Supreme Court of India orders in CC. No.2455/2008, Dt:18-2-2008

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In the reference first read above, Sri. L. Vaidyanath, P.S. to Secretary to Government has stated that he represented on 17-5-1979 when he was Typist in Industries and Commerce Department for alteration of his date of birth as 19-11-1951 instead of 14-11-1949 as it was entered erroneously in school records.

**2.** In the references 2<sup>nd</sup> read above, the petitioner was informed that his request for alteration of his date of birth can not be considered in view of the orders issued in G.O.Ms.No.165, Fin.& Plg.(FR.I)Dept. dated:21-4-1984.

**3.** Aggrieved by the orders issued in the reference 2<sup>nd</sup> read above, Sri L. Vaidyanath has filed R.P.No.1005/1986 in the Hon'ble APAT. The Hon'ble APAT in its orders dated:22-9-1987 in R.P.No.1005/1986 has directed the respondents to consider the case of the petitioner for alteration of his date of birth on the basis of the confidential enquiry carried out by the Revenue Officials if necessary by relaxing the relevant rules.

**4.** In the references 4<sup>th</sup> & 5<sup>th</sup> read above, on the orders of APAT Dt:22-9-1987 in R.P.No.1005 of 1986, the Government has filed SLP No.7772/88 before the Supreme Court of India. The Supreme Court of India in its Judgment dated 5-4-1995 was pleased to dismiss the SLP stating that there is a delay of 103 days in filling SLP for which there is no satisfactory explanation. Therefore in pursuance of APAT orders dated 22-9-1987 in RP. No.1005/86 the Government have issued a speaking order in G.O.Rt.No.413, Ind. & Com. [OP.I] Dept. dated 20-6-1998 and rejected the request of the petitioner to change his date of birth from 14-11-1949 to 19-11-1951.

**5.** Aggrieved by the above rejection order, the petitioner again filed Executive Petition No.10/2000 in RP.No.1005/86 vide reference 6<sup>th</sup> read above. The Hon'ble APAT in their order dated 10-8-2000 have issued direction to the respondents "to enter the date of birth of the applicant as 19-11-1951 in his service record by deleting the earlier date of birth recorded in the service record and this exercise shall be completed within a period of 2 months.

**6.** Government have filled W.P No.20415/2000 against the orders of APAT dated 10-8-2000 in E.P No.10/2000 in R.P.No.1005/86, The Hon'ble High Court in its Judgment dated 30-10-2007 has observed that the impugned orders can not be questioned in any Court including High Court, the W.P. is misconceived and it has to be constructed that this court has no jurisdiction to entertain the W.P in view of  
(P.T.O)

the provisions of section 27 of the Act. Accordingly the W.P.No.20415/2000 filed by Government was dismissed.

**7.** In the reference 8<sup>th</sup> read above, the Supreme Court of India in its order Dt:18-2-2008 while condoning the delay has dismissed the SLP filed by the Govt.

**8.** The matter has been examined carefully by the Govt. and considered that the orders of Hon'ble APAT in the reference 3<sup>rd</sup> read above have become final and they have to be implemented by altering the date of birth Sri L. Vaidyanath P.S to Secy. to Govt. as 19-11-1951 instead of 14-11-1949 in the service register and accordingly to allow the consequential benefits.

**9.** Accordingly, the date of birth of Sri. L.Vaidyanath P.S to Secretary to Government is altered as 19-11-1951 instead of 14-11-1949 in the Service Register and allow all consequential benefits.

**10.** The Y.A.T & C Dept. is requested to take further action accordingly.

**11.** This order issues with the concurrence of Finance (FR.I)Dept., vide their U.O. No.11755/182/FR.I/08, Dt:26-4-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB,  
Principal Secretary to Government & C.I.P.**

To  
Sri L. Vaidyanath, P.S to Secretary to Government.  
Y.A.T & C Department.  
The Y.A.T & C (OP.I)Department.  
The G.A(S.U.5)Department.  
The Fin.(FR.I)Department.  
Copy to  
The Accountant General  
A.P.Hyderabad.  
The Accountant General(Pension)  
A.P.Hyderabad.  
The Pension Payment Office,  
Hyderabad.  
The Pay and Accounts Officer,  
Hyderabad.  
The P.S to Principal Secretary & CIP / Secretary to Government.  
Ind. & Comm. Dept.  
SF/SC.

**// FORWARDED :: BY ORDER //**

**Section Officer**